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ABSTRACT

In a question-and-answer format, this single sheet outlines the rights of parents in the special education process, as provided by Public Law 94-142, including the right to a free appropriate public education for the child, to request a re-evaluation, to have the child tested in the child's primary language, and to participate in the development of the child's individualized education program. Parent responsibilities are also noted, such as developing a partnership with the school or agency, making sure the child is included in the regular school activities program, and monitoring the child's progress. The parent's role in developing the Individualized Education Program is also described. A final section lists resources available to help parents. (JDD)

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RIGHTS AND RESPONSIBILITIES OF PARENTS OF CHILDREN WITH HANDICAPS

What are your rights, as a parent, in the special education process?

Public Law 94-142 clearly defined the rights of children with handicaps and their parents. A fundamental provision of the law is the right of parents to participate in the educational decision-making process. This includes the right to

- **A free appropriate public education for your child.** *Free* means at no cost to you as parents. *Appropriate* means meeting the unique educational needs of your child.
- **Be notified whenever the school wishes to evaluate your child,** wants to change your child's educational placement, or refuses your request for an evaluation or a change in placement.
- **Initiate an evaluation** if you think your child is in need of special education or related services.
- **Informed consent.** *Informed consent* means you understand and agree in writing to the evaluation and educational program decisions for your child. Your consent is voluntary and may be withdrawn at any time.
- **Obtain an independent evaluation** if you disagree with the outcome of the school's evaluation.
- **Request a reevaluation** if you suspect your child's present educational placement is no longer appropriate. The school must *reevaluate* your child at least every 3 years, but your child's educational program must be *reviewed* at least once during each calendar year.
- **Have your child tested in the language he or she knows best.** For example, if your child's primary language is Spanish, this is the language in which he or she must be tested. Also, students who are deaf have the right to an interpreter during the testing.
- **Review all of your child's records.** You may obtain copies of these records, but the school may charge you a reasonable fee for making copies. Only you, as parents, and those persons directly involved in the education of your child will be permitted access to personal records. If you feel that any of the information contained in your child's records is inaccurate or misleading or violates the privacy or other rights of your child, you may request that the information be changed. If the school refuses your request, you then have the right to request a hearing in order to challenge the questionable information in your child's records.
- **Be fully informed by the school of all rights that are provided to you under the law.**
- **Participate in the development of your child's individualized education program (IEP).** The school must make every possible effort to notify you of the IEP meeting and then arrange it at a time and place that is convenient for you. Remember, your child's IEP cannot be implemented without your written consent.
- **Have your child educated in the least restrictive school setting possible.** Every effort should be made to develop an educational program that will provide the greatest amount of contact with nonhandicapped children.
- **Request a due process hearing** to resolve differences with the school that could not be resolved informally.

What are your responsibilities, as a parent, in the special education process?

Parental responsibilities to ensure that a child's rights are being protected are less clearly defined than are parental rights. These responsibilities vary considerably depending on the nature of the child's handicapping condition and other factors. In accepting these responsibilities, some of the following suggestions may be helpful:

- **Develop a partnership with the school or agency.** You are now an important member of the team. Share relevant information about your child's education and development. Your observations and suggestions can be a valuable resource to aid your child's progress.
- **Ask for clarification of any aspect of the program that is unclear to you.** Educational and medical terms can be confusing, so do not hesitate to ask.
- **Make sure you understand the program specified on the IEP before agreeing to it or signing it.** Ask yourself whether or not what is planned corresponds with your knowledge of your child's needs.
- **Make sure your child is included in the regular school activities program.** Do not forget nonacademic areas such as lunch and recess and other areas such as art, music, and physical education.
- **Learn as much as you can about your rights and the rights of your child.** Ask the school to explain these rights as well as the policies and regulations in effect in your district and state before you agree to a special education program for your child.

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- **Monitor your child's progress.** If your child is not progressing, discuss it with the teacher and determine whether or not the program should be modified. As a parent, you can initiate changes in your child's educational program.

- **Discuss with the school or agency any problems that may occur with your child's assessment, placement, or educational program.** It is best to try to resolve these problems directly with the agency, school, or district. In some situations, you may be uncertain as to which direction you should take to resolve a problem. Most states have protection and advocacy agencies that can provide you with the guidance you need to pursue your case.

- **Keep records.** There may be many questions and comments about your child that you will want to discuss, as well as meetings and phone conversations you will want to remember. It is easy to forget information useful to your child's development and education that is not written down.

- **Join a parent organization.** In addition to offering the opportunity to share knowledge, experiences, and support, a parent group can be an effective force on behalf of your child. Many times parents find that as a group they have the power to bring about needed changes to strengthen and broaden special services.

As the parent of a child with a handicap, what can you offer the IEP process?

In the final analysis, parents of handicapped children should be involved in the process as much as they want to be and as much as they can be. Varying degrees of involvement are possible. The following are suggestions for ways in which parents can become involved:

- **Before attending an IEP meeting, make a list of things you want your child to learn.** Discuss any differences between your list and the school's or agency's list. Take notes about aspects of your child's behavior that could interfere with the learning process. Describe the methods you have found to be successful in dealing with these behaviors.

- **Bring any information the school or agency may not already have to the IEP meeting.** Examples include copies of medical records, past school records, or test or evaluation results. Remember, reports do not say all there is to say about a child. You can add real-life examples to demonstrate your child's ability in certain areas.

- **Find out what related services are being provided.** Besides your child's teacher, many other specialists and professionals may have contact with your child through provision of related services. Ask each professional to describe the kind of service he or she will be providing and what growth you might expect to see as a result of these services.

- **Ask what you can do at home to support the program.** Many skills the child learns at school can also be used at home. Ask to meet with the teacher when your child is learning a new skill that could be practiced at home.

- **Make sure the goals and objectives on the IEP are specific.** This will ensure that everyone teaching your child is working toward the same goals. Ask questions to make sure that you understand and agree with each of the goals and objectives before signing the IEP.

- **Periodically, ask for a report on your child's progress.** After the meeting is over, your job as parent is not finished. You should follow your child's progress throughout the year.

- **Regard your child's education as a cooperative effort.** If at any point you and the school cannot reach an agreement over your child's educational and developmental needs, ask to have another meeting. This would allow time for you and the school or agency to gather more information and data. If after a second meeting there is still a conflict over your child's program, you should ask for a state mediator or a due process hearing.

What resources are available to help you?

Local and state education agencies have information to help guide you through the special education process. Since there is great variation in the specific criteria and procedures employed by school districts, it is important that you familiarize yourself with the information they provide. You will find your local director of special education and his or her staff helpful in accessing such information and guiding you through the process.

Additional resources are available from national organizations. Some of them will also be able to direct you to local and state chapters that can provide more locally based support. Almost all of the states now have federally supported parent information and training centers. Any of the contacts cited here may be able to help you locate such a center in your state:

The Association for Retarded Citizens of the United States
P.O. Box 6109
2709 Avenue E East
Arlington, TX 76005

Children with Attention Deficit Disorders (CHADD)
Suite 185
1859 North Pine Island Road
Plantation, FL 33322

The Council for Exceptional Children
1920 Association Drive
Reston, VA 22091

Learning Disability Association
5225 Grace Street
Pittsburgh, PA 15236

National Information Center for Children and Youth with Handicaps
P.O. Box 1492
Washington, DC 20013

The Association for Persons with Severe Handicaps (TASH)
7010 Roosevelt Way, NE
Seattle, WA 98115

United Cerebral Palsy Association
7 PEN Plaza
Suite 804
New York, NY 10001

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